

REMARKS

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b), as being unpatentable over Haley U.S. Patent No. 2,589,803 (“Haley”). Claims 3-12 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Haley in view of Pettit, U.S. Patent No. 3,780,663 (“Pettit”). Claims 13-20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Haley in view of Pettit and Seide et al, U.S. Patent No. 6,047,418 (“Seide”). Reconsideration of the present Application is respectfully requested.

Telephonic Interview with Examiner

Applicant respectfully thanks the Examiner for conducting an interview over the telephone with Applicant regarding this Application. In the interview, Applicant and the Examiner discussed the claims of the present invention and the final Office Action in order to more clearly understand the rejection made therein and also to more clearly point out the distinguishing characteristics in the present invention as set forth in the present Application which make it patentable. Applicant has amended the claims and shaped these Remarks made herein in light of the discussions carried out during the telephonic interview.

35 U.S.C. § 102 Rejections

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Haley. Applicant respectfully traverses these rejections for at least the following reasons.

5 U.S.C. § 102(b) recites:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign

country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In addition, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See*, M.P.E.P. 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Haley Does Not Teach a Stretcher Attachment Element

Amended Independent Claim 1 discloses a stretcher supporter, comprising “...a stretcher attachment element that securely attaches a stretcher to said open frame....” Applicant respectfully submits that Haley does not disclose each and every element of Amended Independent Claim 1.

The Office Action states that Haley discloses a stretcher supporter, wherein said open frame provides for secure attachment of a stretcher to said open frame in Figures 1, 2, and 6 of Haley. *Office Action of December 30, 2005*, at 3. Applicant respectfully asserts that nowhere in this reference, or in Figure 1, 2, or 6 thereof, is a *stretcher attachment element* disclosed. The reference discloses a suspended workseat for dentist. A *stretcher attachment element* is not disclosed, nor even suggested, in Haley. *See, generally*, Haley. Thus, Applicant respectfully asserts that Amended Independent Claim 1 is not disclosed in the reference cited in the Office Action and, therefore, Amended Independent Claim 1 is patentable over Haley in this regard.

Haley Does Not Teach a Shiftable, Rotatable Column

Amended Independent Claim 1 discloses a stretcher supporter, comprising “...a shiftable, rotatable column that substantially balances said stretcher respective to said open frame.” Applicant respectfully submits that Haley does not disclose each and every element of Amended Independent Claim 1.

The Office Action states that Haley discloses a stretcher supporter, “wherein said adjustable lifting point suspends said open frame and rotatably shifts to substantially balance said stretcher respective to said open frame” in Figures 1, 2, and 6 of Haley. *Office Action of December 30, 2005*, at 3. Applicant respectfully asserts that nowhere in Haley is a *shiftable, rotatable column* disclosed. The reference discloses a suspended workseat for dentist. However, a shiftable, rotatable column is not disclosed in Haley. *See, generally*, Haley. Thus, Applicant respectfully asserts that Amended Independent Claim 1 is not disclosed in the reference nor cited in the Office Action and, therefore, Amended Independent Claim 1 is patentable over Haley in this regard.

Accordingly, Applicant submits at least Amended Independent Claim 1 is patently distinguishable over the prior art cited at least because the art fails to teach at least a stretcher attachment element and a shiftable, rotatable column. Applicant further submits that Claim 2 is similarly distinguishable over the prior art cited by virtue of its ultimate dependency from a patently distinct base claim.

35 U.S.C. § 103 Rejections

Claims 3-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haley in view of Pettit. Claims 13-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haley in view of Pettit and Seide. Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim elements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). M.P.E.P. 706.02(j).

Haley and Pettit Do Not Teach a Stretcher Attachment Element or a Shiftable, Rotatable Column

Claims 3-12 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Haley in view of Pettit. Applicant respectfully traverses this rejection for at least the following reasons.

For at least the reasons set forth hereinabove, Haley fails to teach all of the limitations of Amended Independent Claim 1. The deficiencies in the teachings of Haley are not remedied by the addition of Pettit nor does the present Office Action suggest that they are. Furthermore, nowhere in the Pettit reference is “a stretcher attachment element” or a “shiftable, rotatable column” disclosed or shown. *See, generally*, Pettit. Thus, Applicant respectfully asserts that Pettit does not disclose at least these elements of Amended Independent Claim 1. Because Haley and Pettit fail to disclose at least these elements, Applicant respectfully asserts not all of the elements of Amended Independent Claim 1 are taught.

Applicant further submits that Claims 3-12 are similarly distinguishable over the prior art cited by virtue of their ultimate dependency from patently distinct base Amended Independent Claim 1.

Haley, Pettit, and Seide Do Not Teach Securely Attaching a Stretcher

Independent Claim 13 discloses “a method of balancing a stretcher supporter...comprising: securely attaching a stretcher to an open frame of said stretcher supporter....” Applicant respectfully submits that Haley in view of Pettit and Seide do not disclose each and every element of Independent Claim 13.

The Office Action states that “Haley ‘803 in view of Pettit ‘663...teaches all of the features of the...claimed method...with the exception(s) of the step of securely attaching a stretcher to the frame” and that “Seide et al. ‘418 show a lifting device in combination with a stretcher.” *Office Action of December 30, 2005*, at 6. Applicant agrees that Haley and Pettit both do not disclose “securely attaching a stretcher.” However, Applicant respectfully rebuts the assertion that Seide discloses a “lifting device in combination with a stretcher.” Seide makes *no reference, disclosure, hint, or suggestion*, what so ever, of a stretcher. Seide positively discloses a sling and use thereof to hold a person, but a stretcher is not disclosed. *See, generally*, Seide. A sling is an entirely different apparatus than a stretcher because a stretcher is inherently a flat and rigid device, whereas as sling is not rigid. *See Exhibit A, Webster’s Dictionary Entry for “Sling.”* Thus, Applicant respectfully asserts that Amended Independent Claim 13 is not disclosed in the references cited in the Office Action and, therefore, Claim 13 is patentable over Haley, in view of Pettit and Seide, in this regard.

Accordingly, Applicant submits at least Amended Independent Claim 13 is patently distinguishable over the prior art cited. Applicant further submits that Claims 14-20 are similarly

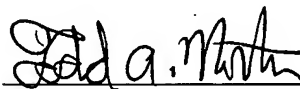
distinguishable over the prior art cited by virtue of their ultimate dependency from a patently distinct base claim.

CONCLUSION

Wherefore, Applicant respectfully believes all outstanding grounds raised by the Examiner have been addressed, and thus respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

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Respectfully submitted,



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